

DETAILED ACTION

1. This communication is in response to Applicants' Reply to Office Action dated November 15, 2007, filed December 21, 2007, and Applicants' Supplemental Amendment filed March 7, 2008.

1-1. Claims 1, 52, 59, 64, and 68 have been amended. Claims 1-7, 10-26, 29-36, 38, 52-62, 64-77, 82-85, and 87 are pending.

1-2. Claims 1-7, 10-26, 29-36, 38, 52-62, 64-77, 82-85, and 87 have been examined and allowed.

Reasons for Allowance

2. The following is an Examiner's statement of reasons for allowance:

2-1. The closest prior art of record discloses:

(1) A load-carrying body for a truck is designed and produced (Hagenbuch, U.S. Patent 5,887,914).

(2) The parameters relating to the load material include viscosity and density and angle of repose (Hall, U.S. Patent 5,996,702);

2-2. Applicants have filed a Terminal Disclaimer on December 21, 2007, to overcome the provisional double patenting rejection of claims 52, 57, and 59. The Terminal Disclaimer has been approved.

2-3. The prior art does not expressly teach or render obvious the invention as recited in independent claims 1, 21, 31, 52, 60, 64, 68, 73, and 82.

The process for designing and making a body of a vehicle for hauling material or of a haulage vehicle based on some predefined characteristics of a load material was uncovered in the prior art. However, the use of the specific information of three-dimensional or heaping characteristics of the actual load material to develop three-dimensional load model and/or determine the design parameters and consequently produce the body of a haulage vehicle was not uncovered in the prior art teachings.

The limitations directed to the specific environment of making a body of a vehicle for hauling or holding material as recited in the preamble of claims 1, 21, 31, 52, 60, 64, and 68, or making a body of a haulage vehicle as recited in the preamble of claims 73 and 82, are accorded patentable weight as they recite and provide limitations are required for completeness of the claims.

Moreover, as the courts have held that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) and “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Nor was a reference uncovered that would have provided a basis of evidence for asserting a motivation that one of ordinary skill in the art at the time the invention was made, knowing of this specific environment, would have applied the specific information of three-dimensional or

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heaping characteristics of the actual load material to design and produce the body of a haulage vehicle as recited in the context of the independent claims.

Dependent claims are allowed as they depend upon allowable independent claims.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Herng-der Day/
Examiner, Art Unit 2128

March 27, 2008

/Kamini S Shah/

Supervisory Patent Examiner, Art Unit 2128